

\$400

JLS

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

17 4210

A & H SPORTSWEAR CO., INC.

Plaintiff,

v.

PRE SHOP LLC d/b/a WAIST GANG  
SOCIETY AND NAKEITHA FELDER  
a/k/a PREMADONNA87,

Defendants.

CIVIL ACTION NO.

JURY TRIAL  
DEMANDED

COMPLAINT FOR TRADEMARK INFRINGEMENT,  
TRADEMARK DILUTION, AND UNFAIR COMPETITION

Plaintiff, A & H Sportswear Co. Inc. ("A&H"), alleges as follows, upon actual knowledge with respect to itself and its own acts, and upon information and belief as to all other matters:

NATURE OF THIS ACTION

1. This is a civil action for trademark infringement and unfair competition under federal, state, and common law, and trademark dilution under federal and state law. A&H seeks equitable and monetary relief from Defendants' violations of A&H's trademark rights in its MIRACLESUIT, MIRACLESHAPER, and other MIRACLE-formative marks.

2. Defendants have been offering for sale, selling, and promoting shapewear under the names and marks MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, and WAISTGANGSOCIETY WATER MIRACLE SHED PILLS (the "Unauthorized MIRACLE Marks") in violation of A&H's trademark rights. Defendants are free-riding off A&H's hard-earned goodwill at the expense of both A&H and

consumers, who are likely to believe Defendants have a relationship with A&H and/or that Defendants' products are made, approved, and/or licensed by A&H.

#### **PARTIES**

3. Plaintiff A&H is a Pennsylvania corporation with a principal place of business at 110 Commerce Way, Stockertown, Pennsylvania 18083.

4. Defendant Pre Shop LLC, doing business as Waist Gang Society, is a company with an address at 11285 SW 211th Street, Suite 202, Miami, Florida 33189.

5. Defendant Nakeitha Felder, also known as Premadonna87, is an individual and the president and chief executive officer of Pre Shop LLC. Nakeitha Felder is also located at 11285 SW 211th Street, Suite 202, Miami, Florida 33189.

#### **JURISDICTION AND VENUE**

6. This Court has jurisdiction over the subject matter of this action pursuant to 15 U.S.C. § 1121 and 28 U.S.C. §§ 1331, 1338(a) and (b). Because A&H is a citizen of the Commonwealth of Pennsylvania, Defendants are citizens of Florida, and the matter in controversy exceeds \$75,000 exclusive of interest and costs, the Court also has jurisdiction under 28 U.S.C. § 1332. The Court has supplemental jurisdiction over A&H's state-law claims pursuant to 28 U.S.C. § 1367(a) because they are substantially related to its federal claims and arise out of the same case or controversy.

7. This Court has specific personal jurisdiction over Defendants because they have purposefully availed themselves of the privilege of conducting business in Pennsylvania. Defendants offer, market, promote, and sell their products that are the subject of this lawsuit through their website to consumers located in Pennsylvania.

8. Venue lies in this District pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to A&H's claims have occurred and are continuing to occur in this District and A&H's trademarks at issue are located in this District, where A&H maintains its principal place of business.

### **A&H, ITS PRODUCTS, AND ITS MIRACLE TRADEMARKS**

9. With roots tracing back to the 1930's, A&H is one of the most successful and admired makers of swimwear and shapewear. Through innovative engineering, A&H helped revolutionize the swimwear industry by introducing swimwear with patented shaping technology and construction that allowed for both horizontal control and vertical stretch.

10. Since as early as 1991, A&H has continuously used and promoted the mark MIRACLESUIT in connection with its innovative figure-shaping swimsuits, as shown in the examples below:



MIRACLESUIT SOLID  
GANDOLF TUMMY  
CONTROL ONE PIECE  
SWIMSUIT

\$170.00

★★★★★ 29 Reviews

One Piece Swimsuit

Availability: In stock

Size Chart

Color  
Lagoon

Size  
Choose an Option...

\* Required Fields

QUANTITY:



MIRACLESUIT WOMEN'S  
PLUS SOLID BLITZ TUMMY  
CONTROL ONE PIECE  
SWIMSUIT

\$178.00

★★★★★ 1166 Reviews

One Piece Swimsuit

Availability: In stock

Size Chart

Color  
Black

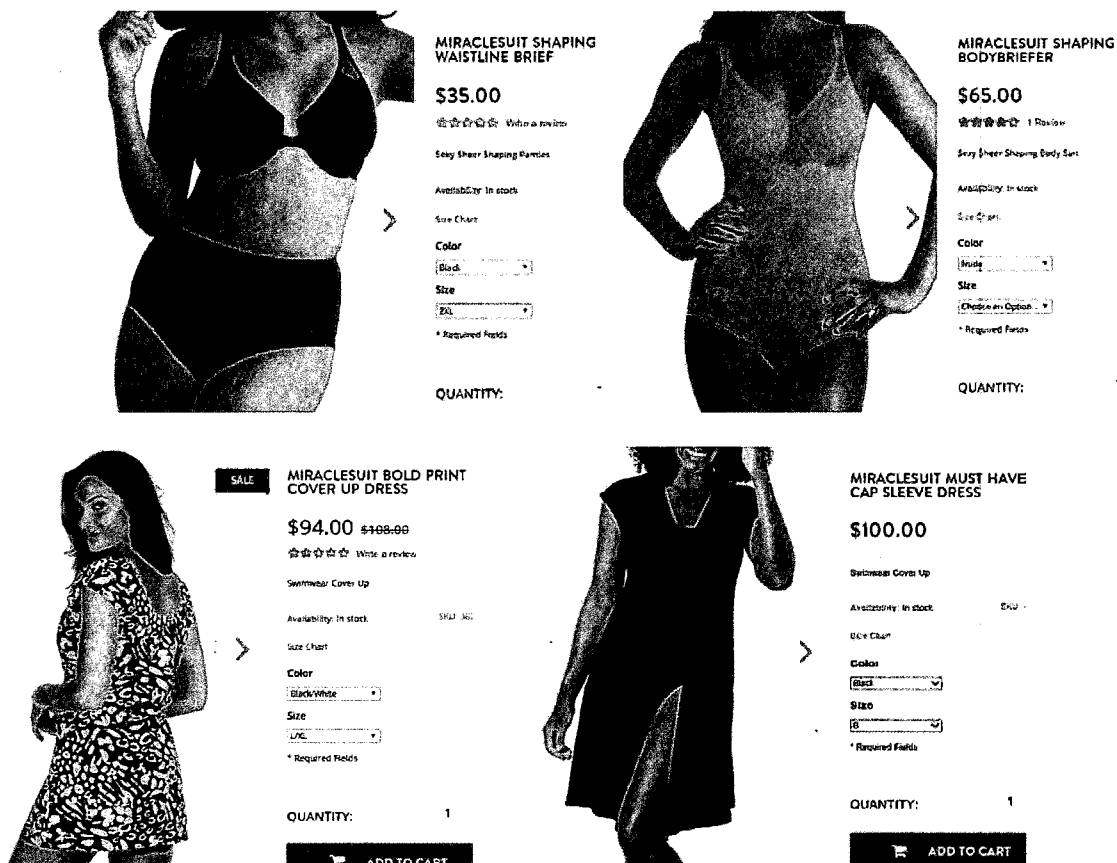
Size  
20W

\* Required Fields

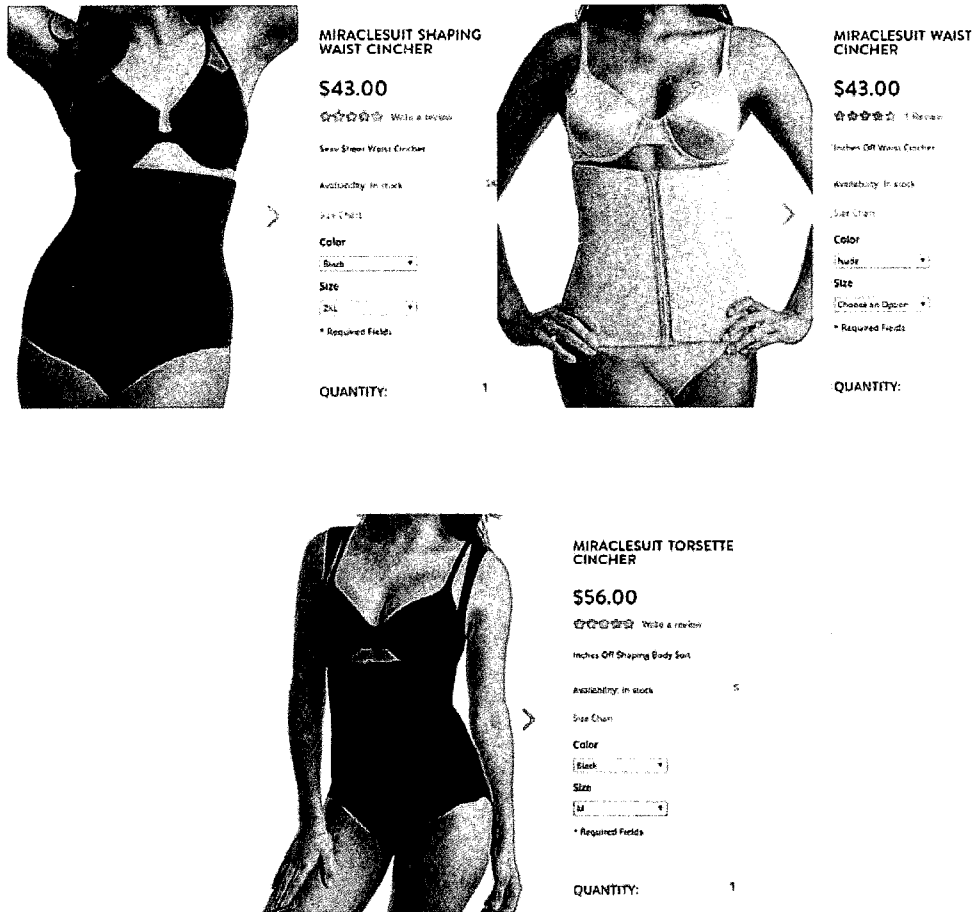
QUANTITY:



11. By 1995, A&H expanded its MIRACLESUIT product line to include bras, lingerie, leotards, shorts, cover-ups, and dresses, as shown in the examples below:




12. Capitalizing on its ongoing success, in 2001 A&H introduced a full line of shapewear under the MIRACLESUIT mark, as shown in the representative examples below:



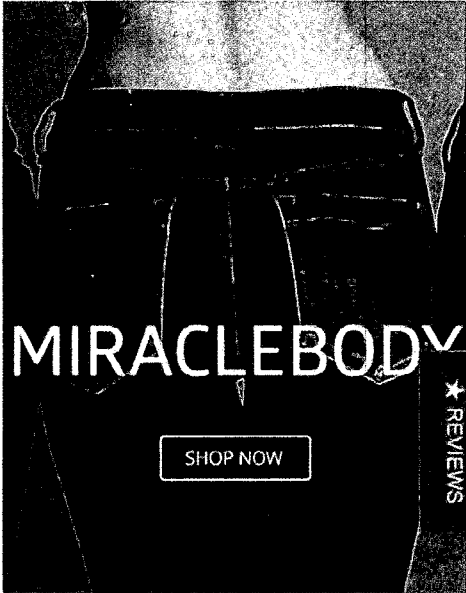
Over the years, A&H has sold millions of products in connection with its MIRACLESUIT mark.

13. In addition to its MIRACLESUIT mark, A&H has for many years used and promoted the mark MIRACLE SHAPER and numerous other MIRACLE marks in connection with its wide range of products, including MIRACLEBODY, MIRACLEJEANS, MIRACLE DRESS, and WHY PRAY FOR A MIRACLE WHEN YOU CAN WEAR ONE (individually and collectively the "MIRACLE Marks"). These MIRACLE Marks have been used and promoted individually and together (as shown below), so that consumers have come to associate the MIRACLE portion of the marks with one source, namely A&H:



**SHAPESUIT**

SHOP NOW



**MIRACLEBODY**

SHOP NOW

★ REVIEWS

Designed to drastically slim underneath your best dressed to impress **Miraclesuit** Shapewear features **MiracleShaper®** extra firm control, undeniable shaping, and a Fit Advantage that comfortably clings to your curves to create a most confident look.

**Miraclebody's** form-flattering collection of jeans and tops features our signature tummy control panel and hidden inner liners to comfortably conceal **Miracle Jean®** premium denim is specifically crafted to enhance your life and style - giving every BODY a flawless figure.



Miraclebody Oversized Stripe Camp Shirt  
Regular Price: \$108.00



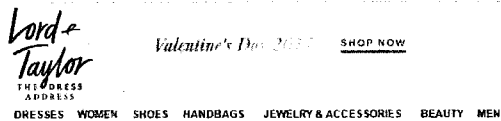
Miraclebody Oversized Broken Arrow Camp Shirt  
Regular Price: \$108.00

## A&H'S SALES AND PROMOTION OF ITS MIRACLESUIT-BRANDED PRODUCTS

14. A&H has sold millions of dollars' worth of products under its MIRACLESUIT and other MIRACLE Marks. Those products are promoted, offered, and sold nationwide through a wide variety of retail means, including A&H's website (<http://www.miraclesuit.com/>) and numerous national, regional, and specialty retailers and e-tailers such as *Macy's*, *Nordstrom*, *Zappos.com*, *6PM.com*, *Swimoutlet.com*, *Chicos.com*, *Bloomingdales*, *Dillard's*, *Lord & Taylor*, *Belk*, *Everything but Water*, *Swim 'N Sport*, *Soma*, *Chico's*, *Talbot's*, *Bare Necessities*, and many others, as shown in the examples below:







20% Off Clearance Items  
15% Off Regular-Priced & Sale Items [Details](#)  
Use Code FINAL or Print Pass

SHOP BY CATEGORY Home > Text Search: miraclesuit > Women > Lingerie, Bras & Shapewear  
Women (150) ▶

### Search Results for: miraclesuit

REFINE BY:

Brand Price Product Type Style

SORT: Newest Brand A to Z Lowest Price Highest Price Top 1



MIRACLESUIT  
Inches Off Waist Cinching Thigh Summer  
\$58.00



MIRACLESUIT  
Inches Off Waist Cinching Brief  
\$52.00



miraclesuit

Search

Shoes Clothing Bags & Handbags Accessories Boutiques Women's

ALPHABETICAL BRAND INDEX

A B C D E F G H I J K L

"Miraclesuit Women Underwear & Intimates" we found 57 items!

Narrow Your Choices

YOUR SELECTIONS: WOMEN CLOTHING UNDE

Shop All  
SALE ITEMS  
SHOW SALE ITEMS

SUBCATEGORY

Shapewear & Slips (57)  
Panties (8)

BRA TYPE

☐ T-Shirt Bras (4)  
☐ Strapless Bras (2)



Miraclesuit Shapewear  
Extra Firm Shape with an  
Edge Hi-Waist Brief  
\$42.00  
★★★★★



Miraclesuit Shapewear  
Extra Firm Sexy Sheer  
Shaping Hi-Waist Brief  
\$40.00  
★★★★★

bare necessities®  
SUPPORT...BEYOND MEASURE™

Search



BRAS BY SIZE BRAS PANTIES HOSIERY SHAPEWEAR SLEEP SWIM SEXY ACTIVE MEN BRANDS CLEARANCE

YOUR RESULTS: MIRACLESUIT / SHAPEWEAR (24 STYLES)

FILTER BY:

DEPARTMENT:  
SHAPEWEAR

SHAPEWEAR STYLE

SIZE

BRA SIZE

COLOR



Sort: Best Sellers

Viewing All 24 Items



MIRACLESUIT 2802  
EXTRA FIRM CONTROL COMFORT LEG  
BODYSUIT  
\$70.00



MIRACLESUIT 2783  
SEXY SHEER EXTRA FIRM CONTROL  
BODYSUIT  
\$62.00



MIRACLESUIT 2910  
SHAPE AWAY EXTRA FIRM CONTROL  
STRAPLESS BODYSUIT  
\$79.00

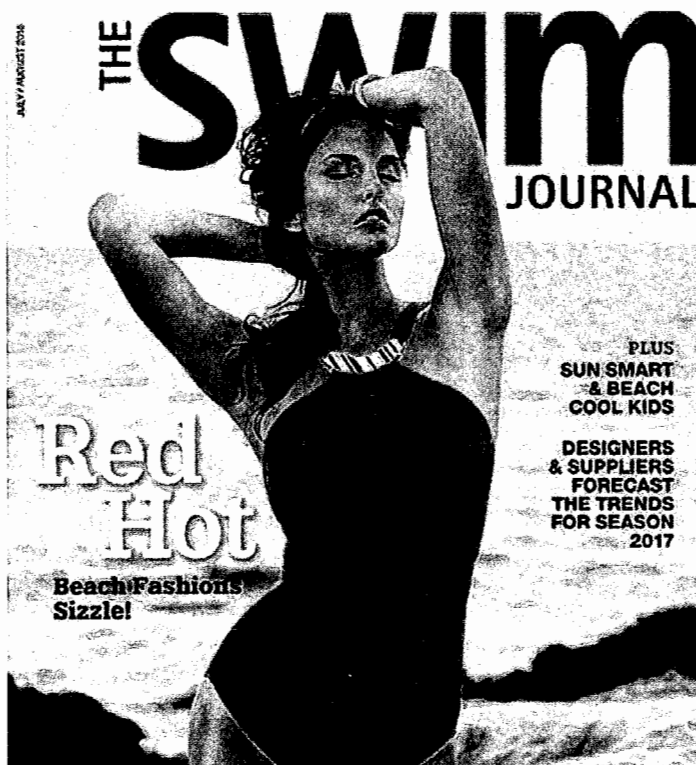


MIRACLESUIT 2918  
SHAPE AWAY EXTRA FIRM CONTROL  
TORSETTE BODYSUIT  
\$66.00



15. A&H's products are also offered and sold through the websites and mail order catalogs of many of its retailers and through A&H's affiliated websites, catalogs, and toll-free call center.

16. For years, A&H has spent millions of dollars advertising and promoting its MIRACLE Marks and products to the general public. A&H has widely and extensively done so through virtually every available type of print and digital media, including nationally circulated magazines, online blogs and journals, social media, television segments, bus billboards, and New York Fashion Week events, as shown in the examples below:



as seen in  
**RACHAEL**

**Miraclesuit**  
Look 10 lbs. Lighter in 10 Seconds

Date: May 10, 2013  
USM 484.822



Battle the Bulge by Switching Your Swimsuit



Could a bathing suit be the answer to a slimmer look this summer? Gretta Monahan helps a few viewers ditch their unflattering swimwear and find new suits that give them the confidence and a thinner appearance!



**Miraclesuit**  
Look 10 lbs. Lighter in 10 Seconds

**INSTAGRAM**  
Date: June 2015  
Followers: 150  
Photo Likes: 23  
Type: Social Media



styleessenceblog

Follow

Jenna Walsh Styleessence: Everyday styleessence, with a touch of the unexpected.  
styleessenceblog.com

496 posts 180 followers 233 following



styleessenceblog

23 likes

styleessenceblog another beach look from my summer blog post today  
Pashley's Summer Pashley's Summer  
Pashley's Summer Pashley's Summer

Log in to like or comment.



NEW

Now featuring #mymiracle

Share your miracle moments on Instagram using #mymiracle, and tag @miraclesuitswim for a chance to be featured in our gallery!

#MyMiracle #miraclesuitswim



miraclesuitswim

Follow

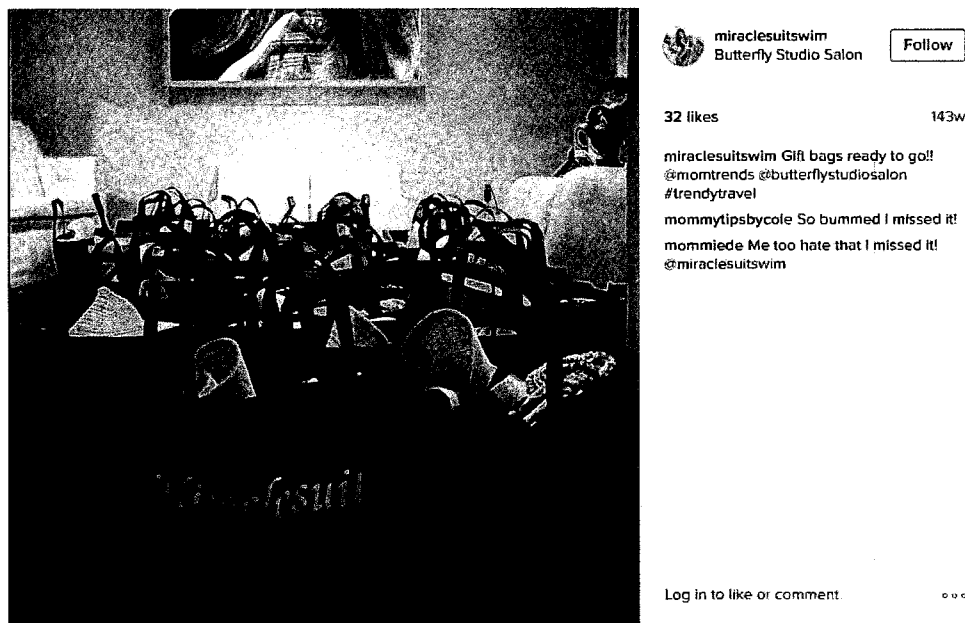
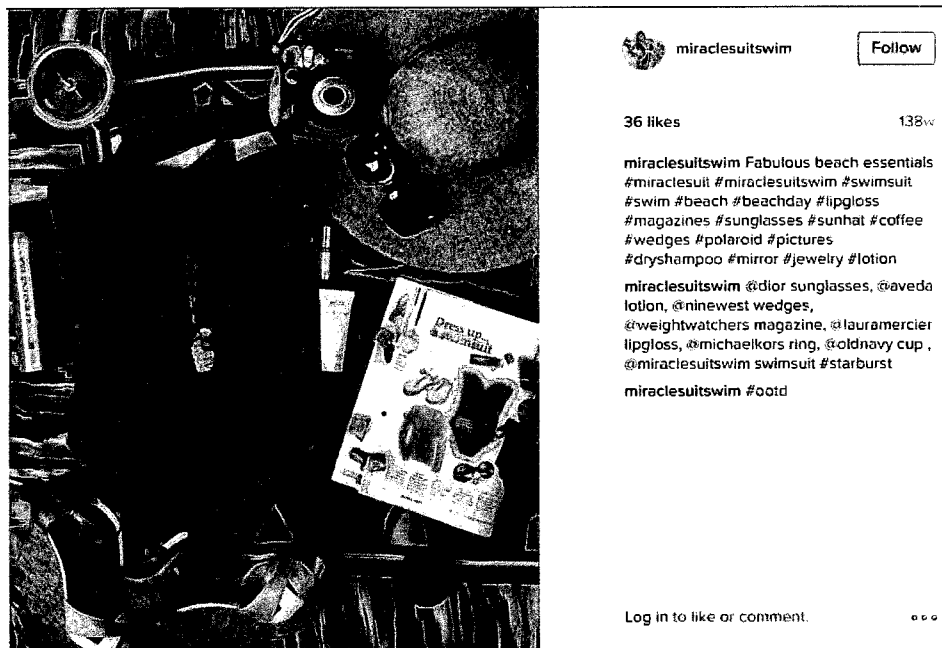
29 likes

68w

miraclesuitswim Share your Miraclesuit moments on Instagram using #mymiracle and tagging us for a chance to be featured on our website!! #mymiracle #miraclesuitswim #experiencethemiracle #miraclesuit #magicsuit #magicsuitswim #miraclebody #miraclebodyjeans

Log in to like or comment.

...



17. In addition to its own substantial advertising and promotional activities, A&H and its MIRACLE Marks and products have received and continue to receive widespread unsolicited media coverage and features in countless printed publications, including *The Huffington Post*, *InStyle Magazine*, *Seventeen Magazine*, *Woman's Day*, *O Magazine*, *Good Housekeeping*,

*Health Magazine*, and *WeightWatchers Magazine*. They have also been featured on popular television programs, including the *Rachel Ray Show*, *CBS News*, *Good Morning America*, and the *TODAY Show*. Representative media coverage is shown below:



miraclesuitswim

Follow

26 likes

134w

miraclesuitswim Check out metallic Miraclesuit as seen in @peoplemag style watch! #miraclesuit #miraclesuitswim #swimwear #metallic #swimsuit #peoplestylewatch #stylewatch #fashion #magazine #swim

AS SEEN IN  
SEVENTEEN

**Miraclesuit**  
Look 10 lbs. Lighter in 10 Seconds!

Date: May 2014  
Circulation: 2,010,610  
Type: Magazine  
Page: 43



AS SEEN IN  
WOMAN'S DAY

**Miraclesuit**  
Look 10 lbs. Lighter in 10 Seconds!

Date: August 2013  
Circulation: 3,274,478  
Type: Magazine  
Page: 19



Five readers will win a super-slimming **Miraclesuit Solid Oceanus swimsuit**. Value, \$138.





18. A&H owns, among others, the following valid and subsisting U.S. federal trademark registrations for its MIRACLE Marks:

Mark	Reg. No.	Reg. Date	Products/Services
MIRACLESHAPER	4135953	05/01/12	Swimwear; jeans; activewear, namely, shorts, pants, shirts, and tops; and sportswear, namely, shorts, pants, shirts and tops in Class 25
MIRACLESUIT	2631990	10/08/02	Men's and women's sportswear, namely, shorts, pants, tops, bodysuits; uniforms; intimate apparel, namely, shapers, girdles, figure controlling underwear; bodywear, namely, leotards in Class 25
MIRACLEBODY	2011542	10/29/96	Bodywear, namely body shapers, body suits; and swimwear; and women's and children's leotards; dancewear, namely, tights and unitards in Class 25
MIRACLEJEANS	4115402	03/20/12	Jeans; activewear, namely pants and shirts in Class 25

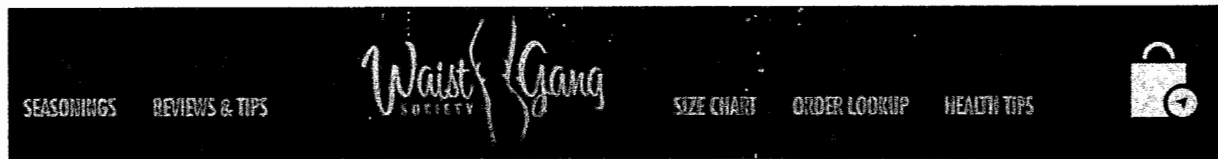
Printouts of these registrations from the U.S. Patent and Trademark Office database are attached as Exhibit A.

19. As a result of their distinctive nature and strength, significant commercial success, widespread advertising, and long-standing and extensive publicity, A&H's MIRACLE Marks are well-known and have been for years.

#### **DEFENDANTS' WRONGFUL ACTIVITIES**

20. Without A&H's authorization or approval, Defendants have been offering, promoting, and selling shapewear and waist-slimming products under MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and other MIRACLE names and marks.

21. Defendants have promoted and sold their shapewear and related products under the Unauthorized Miracle Marks online, including through an online store located at <http://www.whatsawaist.com>:



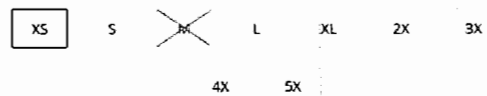
MIRACLE WAIST SHAPER



## MIRACLE WAIST SHAPER

\$ 125.33

CHOOSE YOUR **SIZE**



CHOOSE YOUR **QUANTITY**

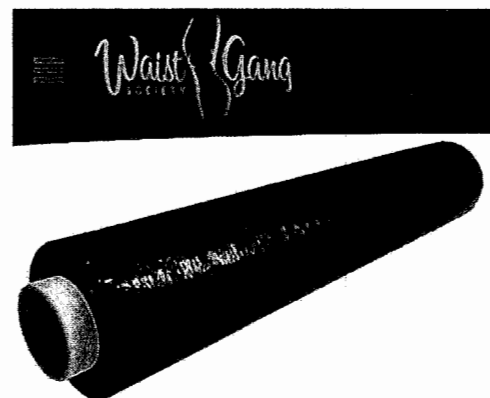
1

ADD TO CART



Waist Gang Society: Miracle African Diet Drops

~~\$ 79.99~~ \$ 32.99



Waist Gang Society: Miracle Slimming Body Wrap Kit

\$ 75.00

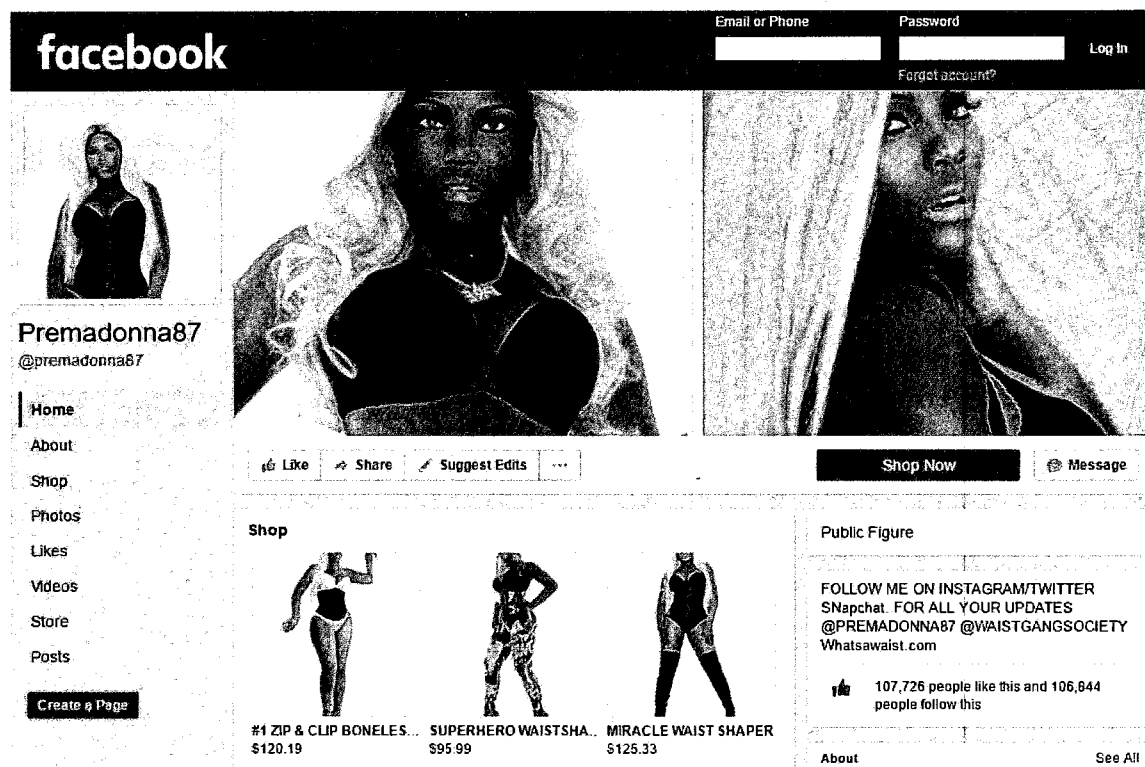




**Waistgangsociety Water Miracle Shed Pills**

~~\$ 79.99~~ \$ 38.99

22. Like A&H, Defendants also promote their Unauthorized Miracle Marks and products via social media, including Facebook and Instagram (as shown in the examples below):





waistgang society

Follow

4,738 posts 347k followers 3 following

Waistgang society OPEN -> Mon-Fri 9am-5pm 1-877-479-6014  
@premadonna87 EMAIL ✉ Waistgang society@gmail.com 📞  
international shipping 📦 USFRESDETUGBRead FAQs ..online!  
whatsawaist.com



waistgang society

Follow

124 likes

4w

waistgang society Shop Now...  
Whatsawaist.com All black Miracle waist  
shaper! Very comfy for everyday wear &  
invisible under all clothing! Click link in bio  
for special offer♥♥!!



waistgang society

Follow

360 likes

5w

waistgang society It's time to get that  
Waist in tact.. Let us help you get  
snatched 🍑🍑🍑. It's time to prepare for  
2k17 summer body👙. Our Miracle waist  
shaper is an aggressive garment, tackles  
upper and lower belly fat all while still  
aggressively training your waist 🍑!!  
Order today! #kimkardashian  
#waistgang society #premadonna  
#fitness www.whatsawaist.com  
sammyylovee\_ @elvirapatria this one  
girl! Go to the link in their bio! Mines the  
latex with steel bonded latches!  
..prettvpao\_ @Hev..henny\_

23. Defendants filed a federal trademark application for the MIRACLE WAIST SHAPER mark for intimate apparel and figure-enhancing garments with the United States Patent and Trademark Office (“PTO”). The PTO refused that application on the ground that the applied-for mark conflicts with, and is confusingly similar to, A&H’s previously registered MIRACLESHAPER mark.

24. A&H sent Defendants two letters, both demanding that they stop using the Unauthorized MIRACLE Marks. Defendants ignored A&H’s first demand and refused delivery of its second, indicating that they did not “want” the package and its contents, as shown below:



25. Defendants knew that their uses of the Unauthorized MIRACLE Marks violate A&H’s rights in its MIRACLE Marks. As a result, Defendants have acted knowingly, willfully, in reckless disregard of A&H’s rights, and in bad faith.

### **INJURY TO A&H AND THE PUBLIC**

26. Defendants' uses of the Unauthorized MIRACLE Marks are likely to cause confusion, mistake, and deception as to the source or origin of Defendants' products, and are likely to falsely suggest a sponsorship, connection, or association between Defendants, their products, and/or their commercial activities with A&H.

27. Defendants' uses of the Unauthorized MIRACLE Marks are likely to dilute the distinctiveness and value of A&H's famous MIRACLESUIT mark.

28. Defendants' acts, as described above, have damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure A&H and its MIRACLE Marks.

29. Defendants' acts, as described above, have damaged and irreparably injured and, if permitted to continue, will further damage and irreparably injure the public, who has an interest in being free from confusion, mistake, and deception.

### **FIRST CLAIM FOR RELIEF Trademark Infringement Under Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1)**

30. A&H repeats and re-alleges each and every allegation set forth in paragraphs 1 through 29 of this Complaint.

31. Without A&H's consent, Defendants used and continue to use in commerce reproductions, copies, and colorable imitations of A&H's registered MIRACLE Marks in connection with the offering, distribution, and advertising of goods, which is likely to cause confusion, or to cause mistake, or to deceive, in violation of Section 32(1) of the Lanham Act, 15 U.S.C. § 1114(1).

**SECOND CLAIM FOR RELIEF**  
**Trademark Infringement, False Designation**  
**of Origin, Passing Off, and Unfair Competition**  
**Under Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a)**

32. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 31 of this Complaint.

33. Defendants' actions, as described above, are likely to cause confusion, or to cause mistake, or to deceive as to the origin, sponsorship, or approval of Defendants, their products, and/or their commercial activities by or with A&H, and thus constitute trademark infringement, false designation of origin, passing off, and unfair competition in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

**THIRD CLAIM FOR RELIEF**  
**Common-Law Trademark Infringement**  
**and Unfair Competition**

34. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 33 of this Complaint.

35. Defendants' actions, as described above, are likely to cause confusion, to cause mistake, or to deceive as to the affiliation, connection, or association of Defendants with A&H, or as to the origin, sponsorship, or approval of Defendants, their products, and their commercial activities by or with A&H such that Defendants' acts constitute infringement of A&H's proprietary rights in the MIRACLE Marks, misappropriation of A&H's goodwill in those marks, and unfair competition under Pennsylvania common law.

**FOURTH CLAIM FOR RELIEF**  
**Trademark Dilution Under Section**  
**43(c) of the Lanham Act, 15 U.S.C. § 1125(c)**

36. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 35 of this Complaint.

37. Plaintiff's MIRACLESUIT mark is famous, as that term is used in 15 U.S.C. § 1125(c), and was famous prior to Defendants' first use of the Unauthorized MIRACLE Marks based on, among other things, the federal registration of Plaintiff's MIRACLESUIT mark and the extensive nationwide use, advertising, promotion, and recognition of the mark.

38. Defendants' actions, as described above, are likely to dilute the distinctive quality of Plaintiff's MIRACLESUIT mark via both blurring and tarnishment in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c), as amended by the Trademark Dilution Revision Act of 2006.

**FIFTH CLAIM FOR RELIEF**  
**Injury to Business Reputation and Dilution**  
**Under 54 Pa. Stat. and Cons. Stat. Ann. § 1124**

39. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs 1 through 38 of this Complaint.

40. Based on the inherent and acquired marketplace strength, extensive nationwide use, advertising, promotion, and recognition of A&H's MIRACLESUIT Mark in this Commonwealth, the MIRACLESUIT Mark is famous as that term is used in 54 Pa. Stat. and Cons. Stat. Ann. § 1124, and was famous before Defendants' first uses of the Unauthorized MIRACLE Marks.

41. Defendants' acts, described above, are likely to dilute the distinctive quality of A&H's MIRACLESUIT mark and cause injury to A&H's business reputation in violation of 54 Pa. Stat. and Cons. Stat. Ann. § 1124 et. seq.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38, Plaintiff respectfully demands a trial by jury on all issues properly triable by a jury in this action.



**PRAYER FOR RELIEF**

WHEREFORE, A&H requests that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief including, but not limited to, the following:

A. An Order declaring that Defendants' uses of the Unauthorized MIRACLE Marks infringe A&H's MIRACLE Marks, constitute unfair competition, and dilute A&H's MIRACLESUIT mark under federal, state, and/or common law, as detailed above;

B. A permanent injunction enjoining Defendants and their employees, agents, partners, companies, affiliates, distributors, dealers, and all persons in active concert or participation with any of them:

1. From using or registering MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and/or any other marks or names comprised of or containing MIRACLE in any form (including, but not limited to, in connection with any other wording or designs) and from using any other marks, logos, designs, designations, or indicators that are confusingly similar to any of A&H's MIRACLE Marks and/or dilutive of A&H's MIRACLESUIT mark;

2. From representing by any means whatsoever, directly or indirectly, that Defendants, any products or services offered by Defendants, or any activities undertaken by Defendants are associated or connected in any way with A&H, sponsored or authorized by A&H, or otherwise affiliated with A&H in any way;

3. From assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs B(1)-(2);



C. An order directing Defendants to destroy all products, packaging, signage, advertisements, promotional materials, stationery, forms, and/or any other materials and things that contain MIRACLE WAIST SHAPER, MIRACLE AFRICAN DIET DROPS, MIRACLE SLIMMING BODY WRAP KIT, WAISTGANGSOCIETY WATER MIRACLE SHED PILLS, and/or any other marks, names, logos, designs, designations, or indicators comprised of or containing MIRACLE or that are confusingly similar to any of A&H's MIRACLE Marks and/or dilutive of A&H's MIRACLESUIT mark;

D. An Order directing Defendants to identify and cancel all other domain names and social media webpages that Defendants own or control containing any of the Unauthorized MIRACLE Marks (including, but not limited to, any domain names comprised of or containing MIRACLE), any marks confusingly similar to any of A&H's MIRACLE Marks, and/or any marks dilutive of A&H's MIRACLESUIT mark;

E. An Order directing Defendants to, within thirty (30) days after the entry of the injunction, file with this Court and serve on A&H's attorneys a report in writing and under oath setting forth in detail the manner and form in which Defendants have complied with the injunction;

F. An Order directing Defendants to immediately send to A&H all products, advertisements, hangtags, promotional materials, stationery, forms, and/or any other materials and things that contain or bear any of the Unauthorized MIRACLE Marks and/or any other marks or designations comprised of or containing MIRACLE or likely to be confused with A&H's MIRACLE Marks and/or dilute A&H's MIRACLESUIT mark;

G. An Order requiring Defendants to account for and pay to A&H any and all profits arising from the foregoing acts, and increasing such profits, in accordance with 15 U.S.C. § 1117 and other applicable laws;

H. An Order requiring Defendants to pay damages in an amount as yet undetermined (and including prejudgment and post-judgment interest) caused by the foregoing acts, and trebling such damages in accordance with 15 U.S.C. § 1117 and other applicable laws;

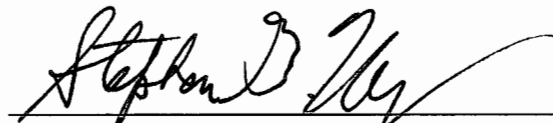
I. An Order requiring Defendants to pay A&H punitive damages for trademark infringement and unfair competition under Pennsylvania common law;

J. An Order requiring Defendants to pay A&H's costs and attorneys' fees in this action pursuant to 15 U.S.C. § 1117 and other applicable laws; and

K. Other relief as the Court may deem appropriate.

Dated: September 20, 2017

Respectfully submitted,



Stephen G. Harvey (PA 58233)  
David V. Dzara (PA 91274)  
STEVE HARVEY LAW LLC  
1880 JFK Blvd., Suite 1715  
Philadelphia, PA 19103  
(215) 438-6600 (phone)  
steve@steveharveylaw.com  
dave@steveharveylaw.com

Douglas A. Rettew (*pro hac vice* motion forthcoming)  
Anna B. Naydonov (*pro hac vice* motion forthcoming)  
Sydney N. English (*pro hac vice* motion forthcoming)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.  
901 New York Avenue N.W.  
Washington, D.C. 20001-4413  
(202) 408-4000 (phone)

(202) 408-4400 (fax)  
doug.rettew@finnegan.com  
anna.naydonov@finnegan.com

*Attorneys for Plaintiff  
A & H Sportswear Co. Inc.*